/22 cont./ This cooperative labor exists in fact up to a point in the villages, and must be understood within the framework of the division of labor and its juridical bases, which apply first and foremost to the right to private or individual property. As regards garden matters, we are dealing with the joint task of two social elements, male and female, and their respective cycles of labor. Men and women, however, even after they marry and form a family, do not lose, through marriage, their individual property rights to their part of the garden, for the Indian is basically an individualist and does not recognize communal property rights. To compensate for this, they have recourse to a concept which we might call "right of indemnification" and which refers to the communal usufruct of the plot by the man, the wife, and, of course, the children for whom they are responsible.

It is well to explain this matter of plot ownership in greater detail.

I believe that it is necessary to make a distinction between the owner of the plot, and the owner of the labors performed on this plot and of the results obtained.

The land, in the forest and even within the area occupied by the tribe, has no owner. Anyone may clear a plot wherever he wishes. But once the site has been chosen, it becomes a property for the entire period while it is producing; it is then the man's property. After it has been abandoned, however, it becomes once more anybody's and everybody's land, untenanted land. /23/ (12) There only

12. Among the Tenetehara, also a tribe of the Tupi group, a similar phenomenon is observed. "Garden lands, that is to say, lands on which people have expanded labor, are either individual or group property. During the time a man still has crops on the site, it belongs to him. But as soon as he has

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> harvested all his crops and abandoned the land to the secondary growth which begins to cover it, it may be used by anyone." /Cited in English/ (Wagley and Galvão, 1949: 50).

exists, therefore, a temporary property right, while /the plot/ is being used: a right that might more aptly be termed of usage or usufruct.

This concept is complemented by the other facet of the matter, involving the labors /expanded on/ and the products of the plot. Included here is the aggregate of the men's and women's tasks (in accordance with the cycles of labor); and the family, which in itself forms a small community, asserts its rights.

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The concept of this right to seemingly communal property derives from the division of labor between men and women. By individual right, each is the master and owner of what he produces, makes, etc. The man prepares the field, the clearing (kat), and is the owner of it. Strictly speaking, therefore, the woman plants on alien property (i.e., the man's or husband's) and pays him for the usufruct of this right, later on, with the produce of her planting. In other words: as indemnification for his preparation of the plot, the man or husband may share in the produce of her planting. On the other hand, the woman is the owner of the planting, and the man or husband cannot, according to the right of private property, enjoy the fruits of someone else's planting, even if it be his own wife's. He does, however, acquire a certain right to the planting, not of property but of usufruct, because his clearing labor made its existence possible. The woman thus has the obligation to allow her husband the usufruct of her planting, within the framework of the division of labor. We are dealing here, therefore, with reciprocal rights (or, inversely, duties) which are normalized and counterbalanced by the right of "indemnification." Indeed, in terms of the division of labor, this right of indemnification is absolutely necessary. What would the man do with the plot since he cannot plant, this being the woman's

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*241 right? She, /in turn/, without the man's previous labor, could only
●421 plant /24/ in small quantities, and furthermore, for lack of proper
462 soil preparation, the cultivated plants would not grow properly. In
594 both cases, the results would be meager and the family's subsistence, in this sphere, would be endangered. Hence the need for this right of mutual indemnification.

*241 Every man, or every family, sets up his own garden and owns
476 it by exclusive right. The owner, however, requests the assistance
[423] of his relatives or of the men of the group in which he lives, to help him in his tasks (clearing, felling, etc.), while the woman, in turn, later (but not always) requests the help of women for the typically feminine tasks within the above-mentioned system of the division of labor. (13) The community assists the individual, or rather, the

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13. Although we are dealing here with the agriculture of the present-day Mundurukú, let us note two pieces of information, gathered separately and in widely separated places, namely, one by myself among the acculturated Mundurukú of the Cururú River, and the other by the missionary Brother Angélico in a village of the interior, in Dekudyem. According to these data, the agricultural system of the ancient Mundurukú was slightly different as regards mutual assistance and ownership of the gardens. They say that, originally, the entire group prepared a large plot for all members of the community and that individual rights to the garden were based, precisely, on mutual

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assistance, on compensation for the labor rendered to the community. Aside from this statement about a collective garden, the informants also mentioned private family gardens, where they chiefly (but not exclusively) cultivated supplementary, accessory foods, such as bananas, pepper, etc. The data gathered, however, give no clear evidence as to whether this collective garden served for the communal, daily use of the group, or whether it merely existed as a reserve in case of need, in the assistance of the old and incapacitated, in the sustenance of guests, or as a ceremonial garden to contribute to important festivities. Regarding a type of garden among the Tenetehara, used communally but owner privately, see Wagley-Galvão (1948: 139).

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members help each other; and each must assist the others, when their turn comes to prepare their plot. Thus there exists, with reference to this collective work, an elaborate system of revenue and compensation on an equalitarian basis. Days of labor are received, and later this assistance is repaid in kind with days of labor. We are dealing here, therefore, with a broad system of mutual assistance. Naturally, the owner of the new plot finds his chief support among /25/ his own kin: adult children, brothers, brothers-in-law, sons-in-law, etc. This mutual assistance, however, is not obtained spontaneously, but through personal invitations proferred individually rather than collectively. The manner of doing this is

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*241 476 garden. When, however, the utilization of the mature garden is involved, then the family manifests and exercises its right of private ownership. In most cases, man and wife or the members of the family prefer to pull out the manioc by themselves. The garden is thus utilized, as a rule, without recourse to other people or to the group. This, then, is the position of the Mundurukú family regarding the garden and its produce within the tribal community: The family is located within the community, and needs and obtains from this community mutual /26/ assistance for the garden tasks; but the family always reserves exclusive rights to the ownership, use, and enjoyment of its garden.

178 How do things stand, however, for the acculturated Mundurukú? Nowadays, about four-fifths of the Mundurukú have given up the system of life in tribal communities. For these, there is no longer any direct connection with village life, and their communities have been dissolved. The families break free. There are no longer communal houses, but each family has its own home. Inevitably, as a result, they own private plots and gardens. And just as each family lives alone, thus tooeach man or each family prepares his own plot individually. This is the basic pattern. But owing to existing difficulties and to need, mutual assistance has been retained as a beneficial element. Relatives and neighbors are invited to help out in the garden, and conversely, those who lent their assistance are helped in their turn, in the same fashion and under the same conditions as was formerly done within the system of communal life.

*241 177 182 462 476 As an essential conclusion, there results from this that among the Mundurukú the division and execution of garden tasks according to sex groups and to work cycles, the planting system, and the mutual cooperation by invitation, are very stable culture elements. They have endured and have not suffered essential modifications, even after the dissolution of the tribal communities to which they pertained and the acculturation to the new, neo-Brazilian environment.

*241 602 421 There still exists a type of garden which, up to a point, could be called a "communal garden." This type, however, is found only among relatives in the narrower sense of the term. When relatives (for example: the families of a father and son or of several brothers)

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*241 602 421 are closely united, or when, owing to some reverse, one of the family members cannot prepare his own garden but can help in the preparation of that of his father, brother, son, etc. then, sometimes, a communal plot is prepared. This refers, however, to the concept of "garden" in its absolute sense: a garden of bitter manioc, of tubercles. For they always continue to plant their own bananas, pepper, etc., separately, for their own private use, each family for itself. This type of "communal garden" is found also (or exclusively?) /27/ outside the old community, among the acculturated Mundurukú. I observed such a case, between father and son, in the mission itself, where everyone has his own home. Both parties have equal right to the use of the garden. This type of "communal garden" is quite similar to that known among the peasants as a "company garden." The difference between the two types might perhaps be defined as follows: the "communal garden" serves directly for the use and sustenance of the families involved; the "company garden" exists on a contract basis, and its foundations and goals are usually commercial.

423 428 Once there is property, there arises the problem of inheritance. Each garden has its owner, with all ownership rights. In case of death, the plot passes into the hands of the eldest son, who is, however, nothing more than the "administrator" of this inheritance with a share in the usufruct. The heir is the family, represented by the eldest son in the sense that he must look after the plot, which the family shares along with him. When there is no family, the brothers inherit the plot. If there are no brothers, the other relatives do. In any case, the garden is not allowed to go to waste, and its produce is always utilized.

3. Garden and group: intraterritorial migrations

*241 361 At first sight, the Mundurukú gardens often seem to lie far from the house or village. And, in fact, this is frequently the case. But this is nearly always the result of long years of permanence in one and the same spot. As time goes by, the soil around the houses becomes weak and exhausted. (15)[134] It is for this reason that the Indian

[134] [See category 116, p. 32 for explanation of this footnote--analyst]